

**DEPARTMENT OF HEALTH CARE FINANCE AND
DEPARTMENT ON DISABILITY SERVICES**

PUBLIC NOTICE OF WAIVER RENEWAL

**Home and Community-Based Services Waiver for People with Intellectual and
Developmental Disabilities (IDD)**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 et seq. (2018 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 et seq. (2018 Repl.)), hereby give notice of their intent to submit an application to renew and amend the District of Columbia Medicaid's Home and Community-Based Services for People with Intellectual and Developmental Disabilities (IDD) Waiver program to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The District is seeking CMS approval of an IDD Waiver renewal and amendment that proposes to renew the waiver for an additional five (5) years, modify the Developmental Disabilities (DD) criteria for waiver enrollment eligibility, update specific services, add new services, and set reimbursement rates for proposed new services, all of which would be effective October 1, 2022, if approved.

The District is also proposing the following amendments to Waiver Appendices B, C, G, and I to the waiver: (1) modify the number of people served; (2) clarify roles and responsibilities of Health Insurance Analysts and Medicaid Waiver Specialists in completing and submitting the Medicaid recertification form to the Department of Human Services, Economic Security Administration at least sixty (60) days prior to the expiration of the person's Medicaid eligibility period; (3) clarify roles and responsibilities with regard to DDS' Developmental Disabilities Administration, Intake and Eligibility Unit, requesting a waiver attestation form after eligibility determination prior to the submission of the waiver packet; (4) add new remote supports and telehealth services; (5) add reimbursement rates for remote support services; (6) add provision that at the individual service plan meeting, people will be informed of the availability of both the IDD and Individual and Family Support (IFS) waivers; (7) change any references of Case Manager to Service Coordinator; (8) modify provider qualifications for assistive technology services to include Certified Enabling Technologies Specialist Certification and Accredited Technology First Organizations for assistive technology services; (9) modify provisions for behavior supports to specify the frequency of screenings for medication side effects using a standardized tool (i.e. AIMS); (10) add the requirement of contribution to cost of residential

supports; (11) add a new performance measure for provider oversight compliance and remove performance measures that maintained consistent oversight compliance; (12) to the extent authorized by District legislation and approved under the District's Section 9817 American Rescue Plan Act Spending Plan, modify reimbursement methodology to include District-funded payment enhancements; and (13) modify the waiver enrollment process.

The proposed addition of contribution to cost of residential supports is a requirement, under D.C. law, that all persons receiving residential services and supports are required to contribute to the cost of those services and for items such as rent, food, clothing, medical expenses, furniture, utilities, and other personal items and equipment. The law covers people living in host homes, residential habilitation, and supported living settings. Most people contribute to costs from their public benefits, such as Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). People who are employed and still receive public benefits contribute to the cost of residential services and supports based on their combined income.

The proposed DD eligibility expansion grants DDS the authority to expand IDD waiver services to people with DD without a diagnosis of an Intellectual Disability (ID) based on the DDS Establishment Act at D.C. Official Code § 7-761.05(1)(a) (2018 Repl.), as amended, which permits services in accordance with D.C. Law 2-137, codified at D.C. Official Code §7-1301.01 *et seq.* (2018 Repl.). The proposed DD expansion also incorporates modifications to the definitions of DD and ID and amends the waiver eligibility criteria to acknowledge that onset of ID can occur after age eighteen (18) up to age twenty-two (22). Whereas criteria before required onset of ID prior to age eighteen (18).

The proposed new service, remote supports, will enable persons to be more independent and less reliant on staff to be physically present to receive support. The remote supports service will be available for the following waiver services: assistive technology services, behavioral supports, bereavement counseling, creative art therapies, day habilitation, employment readiness, family training services, fitness training, nutrition evaluation/consultation services, occupational therapy, parenting supports, sexuality education, speech, hearing, and language, supported employment, supported living with and without transportation and supported living periodic with and without transportation.

Remote support services will be a separate billable service with a specialized rate different from the in-person service delivery rate. Remote support service rates for speech, hearing, and language services, occupational therapy services, bereavement counseling, fitness training services, nutrition evaluation/consultation services, sexuality education services, creative art therapies services and the transportation component of supported living with transportation and supported living periodic with transportation will maintain the same rates.

To the extent authorized by District legislation and approved under the District's Section 9817 American Rescue Plan Act Spending Plan, DDS is proposing to modify the waiver reimbursement methodology to include provider reimbursement enhancements that will fund payment of increased staff wages beginning in fiscal year 2023.

The proposed new service, telehealth, will provide specific medical advice on when waiver participants should seek additional or in-person medical treatment via virtual applications to persons residing in host home, supported living and residential habilitation settings. A person can receive telehealth services in their home, and it acts as a triage, but does not duplicate Medicaid services covered under the State Plan. Telehealth services provide a real time health assessment to determine the best clinical course of action, often avoiding unnecessary emergency room visits, and is available 24 hours a day, 7 days a week by a licensed physician. Telehealth includes video assisted examinations, prescription refills, treatment plans and coordination of care.

Lastly, the IDD waiver renewal and amendment is also proposing modifications to the waiver enrollment process. The proposed modification will base enrollment into the IDD waiver on the individual's identified needs. The Interdisciplinary Team will discuss services based on the individual's specified need(s) and the most appropriate waiver will be explored.

There are two opportunities for the public to provide comments or other input on the proposed HCBS IDD Waiver amendments:

First, written comments on the proposed IDD Waiver renewal shall be submitted to: Katherine Rogers, Director, Long Term Care Administration, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at Katherine.Rogers@dc.gov during the thirty (30) calendar day public comment period, starting from the date this notice is published in the D.C. Register.

Second, DHCF and DDS will hold a virtual public forum during which written and oral comments on the proposed IDD waiver renewal and amendment will be accepted. The virtual public forum will be held on Wednesday, May 25, 2022, from 10:00 am to 11:30 a.m. Scheduling information for the public forum will be posted on the DDS website at <https://dds.dc.gov/idd-waiver-renewal>. People can join the public forum by telephone by dialing 1-650-479-3208 and using the access code 479 487 709. Web conference information will be available on the [DDS website](#).

Accommodations for the public forum are available upon request. Please provide your name, address, telephone number, organizational affiliation, and accommodation request, if needed to Donnise Taylor at (202) 730-1556 or email Donnise.Taylor@dc.gov.

Electronic copies of this notice also will be published on the DDS website at <http://dds.dc.gov>.

A summary of all proposed substantive changes in the renewal application, including detailed information about any substantive changes to rates, and copies of the proposed waiver amendment application may be obtained on the DDS website at <http://dds.dc.gov/idd-waiver-renewal>, and is available upon request from Winslow Woodland, Deputy Director, D.C. Department on Disability Services, Developmental Disabilities Administration, 250 E Street, SW, 5th Floor, Washington DC 20024, or by email to Winslow.Woodland@dc.gov.